

2 **EHSB 2128** - S COMM AMD  
3 By Committee on Government Operations

4 ADOPTED 4/15/97

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 42.52.120 and 1996 c 213 s 6 are each amended to read  
8 as follows:

9 (1) No state officer or state employee may receive any thing of  
10 economic value under any contract or grant outside of his or her  
11 official duties. The prohibition in this subsection does not apply  
12 where the state officer or state employee has complied with RCW  
13 42.52.030(2) or each of the following conditions are met:

14 (a) The contract or grant is bona fide and actually performed;

15 (b) The performance or administration of the contract or grant is  
16 not within the course of the officer's or employee's official duties,  
17 or is not under the officer's or employee's official supervision;

18 (c) The performance of the contract or grant is not prohibited by  
19 RCW 42.52.040 or by applicable laws or rules governing outside  
20 employment for the officer or employee;

21 (d) The contract or grant is neither performed for nor compensated  
22 by any person from whom such officer or employee would be prohibited by  
23 RCW 42.52.150(4) from receiving a gift;

24 (e) The contract or grant is not one expressly created or  
25 authorized by the officer or employee in his or her official capacity  
26 (~~or by his or her agency~~);

27 (f) The contract or grant would not require unauthorized disclosure  
28 of confidential information.

29 (2) In addition to satisfying the requirements of subsection (1) of  
30 this section, a state officer or state employee may have a beneficial  
31 interest in a grant or contract or a series of substantially identical  
32 contracts or grants with a state agency only if:

33 (a) The contract or grant is awarded or issued as a result of an  
34 open and competitive bidding process in which more than one bid or  
35 grant application was received; or

1 (b) The contract or grant is awarded or issued as a result of an  
2 open and competitive bidding or selection process in which the  
3 officer's or employee's bid or proposal was the only bid or proposal  
4 received and the officer or employee has been advised by the  
5 appropriate ethics board, before execution of the contract or grant,  
6 that the contract or grant would not be in conflict with the proper  
7 discharge of the officer's or employee's official duties; or

8 (c) The process for awarding the contract or issuing the grant is  
9 not open and competitive, but the officer or employee has been advised  
10 by the appropriate ethics board that the contract or grant would not be  
11 in conflict with the proper discharge of the officer's or employee's  
12 official duties.

13 (3) A state officer or state employee awarded a contract or issued  
14 a grant in compliance with subsection (2) of this section shall file  
15 the contract or grant with the appropriate ethics board within thirty  
16 days after the date of execution; however, if proprietary formulae,  
17 designs, drawings, or research are included in the contract or grant,  
18 the proprietary formulae, designs, drawings, or research may be deleted  
19 from the contract or grant filed with the appropriate ethics board.

20 (4) This section does not prevent a state officer or state employee  
21 from receiving compensation contributed from the treasury of the United  
22 States, another state, county, or municipality if the compensation is  
23 received pursuant to arrangements entered into between such state,  
24 county, municipality, or the United States and the officer's or  
25 employee's agency. This section does not prohibit a state officer or  
26 state employee from serving or performing any duties under an  
27 employment contract with a governmental entity.

28 (5) As used in this section, "officer" and "employee" do not  
29 include officers and employees who, in accordance with the terms of  
30 their employment or appointment, are serving without compensation from  
31 the state of Washington or are receiving from the state only  
32 reimbursement of expenses incurred or a predetermined allowance for  
33 such expenses."

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4 On page 1, line 1 of the title, after "service;" strike the  
5 remainder of the title and insert "and amending RCW 42.52.120."

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